

Express Mail Label No. ~
Appl. No. 10/734,744
Response dated December 7, 2004
Reply to Office action of September 23, 2004

Remarks

This paper responds to the first Office action in the above-entitled application, mailed September 23, 2004, and allowing three months for a response. This response is timely because it is being filed within the period set for response.

Claims 1, 22 and 24-25 have been cancelled. The applicant respectfully submits that currently pending claims 2-21, 23, and 26-30 are patentable for the reasons provided below.

The Examiner indicated on the summary page of the Office action that claim 30 is allowed. The Examiner additionally indicated on page 7 of the Office action that claims 2-7, 12-15, 20, and 26-29 would be allowable if rewritten in independent form. The applicants have rewritten claims 2, 6, 12, 14, 20, and 26 in independent form as indicated. Claims 3-5, 7-11, 13, 15-19, and 27-29 depend from these rewritten claims, and so are not seen to require further revision. Claims 21 and 23 are amended similarly to some other claims (e.g., claims 20 and 26) to limit the treated surface to coal, and thus are seen to be allowable at least for the same reason, among others.

In some cases, to make the claims more concise, redundant limitations have been removed when rewriting the claims in independent form. For example, in claim 2, the recitation of "sufficient water" has been removed because the claim elsewhere specifies that the aggregate comprises an "aqueous solution."

35 U.S.C. § 132 (Amendments Supported)

The amendments to claims are all supported at least by the claims as originally filed. The amendments in this paper are therefore free of new matter.

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Conclusion

In view of the above remarks, the Examiner is respectfully requested to prepare a Notice of Allowability allowing all the pending claims (2-21, 23, and 26-30).

The Commissioner is authorized to charge any required fees or credit overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

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By: 
George Wheeler
Reg. No. 28,766
Attorney for Applicant(s)

McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street
Chicago, Illinois 60661
Telephone: (312) 775-8000
Fax: (312) 775-8100